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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,365	11/09/1998	NIELS GEBAUER	33012/253/10	5433

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/189,365	GEBAUER ET AL.
	Examiner	Art Unit
	Greta Robinson	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5 and 15 is/are allowed.
- 6) Claim(s) 1-4, 6-14 and 16-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2177

### **DETAILED ACTION**

1. Claims 1-20 are pending in the present application.
2. Claims 1, 5, 6, 11, 15 and 16 have been amended.
3. **Smith** was cited as prior art in the last office action paper number ten.

#### *Drawings*

4. The drawings are objected to because figure 6 contains an extra lead without a reference label and leads for elements 152, 148, 140 and 160 are confusing with respect to the proper element that should be noted. See MPEP 37 CFR 1.84 (q) and 37 CFR 1.84(r). Correction is required. Applicant is required to submit a proposed drawing correction in reply to this office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 112*

5. Claims 1-4, 11-14 and 16-20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2177

Regarding claim 1, the following claim language is vague: “a data processing environment having a user terminal with a user-id for generating a service request which requires performance of a selected one of a plurality of data base management function which requires access to a first data table” ... “without regard to said selected one of said plurality of data base management functions” [see claim 1 lines 1-10]. The connection between the preamble and the body of the claim is unclear. The amended limitation “without regard to said selected one of said plurality of data base management functions” **appears to contradict the limitation in the preamble**, that the service request requires performance of a selected one of a plurality of data base management functions for access. The limitation “access to said first data table **without regard** to said selected one of said plurality of data base management functions” is unclear. The meaning of the term “without regard” is vague and/or unclear. Does Applicant mean the process is transparent? Claims 2-4 are rejected based on dependency.

Regarding claim 11 and claim 16, the following term is vague: “without regard to said selected one of said plurality of data base management functions” [see claim 11 lines 8-10; claim 16 lines 11-12]. Claims 12-14 and 17-20 are rejected based on dependency.

#### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

Art Unit: 2177

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 6, 11 and 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 11 and 15 of copending Application No. 09/189,160. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is well settled that omission of elements and their functioning is obvious expedient if the remaining elements perform the same function as before. See In re Karlson 136 USPQ 184 (CCPA 1963).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

With respect to claim 1, a data processing environment having a user terminal with a user-id for generating a service request which requires performance of a selected one of a plurality of data base management function which requires access to a data table responsively coupled to a data base management system having a database containing a first data table and containing a second data table, the improvement comprising:

Art Unit: 2177

a security profile corresponding to said user-id whereby said data base management system permits said user terminal to access said first data table if and only if said security profile corresponds to access to said first data table and prohibits access to said second data table if said user-id does not correspond to said second data table without regard to said selected one of said plurality of data base management functions and prohibits access to said second data table if said user-id does not correspond to said data table [see: claim 1 of copending application no. 09/189,160]. It would have been obvious to one of ordinary skill to substitute the limitation of a *command language script* in case 09/189,160 claim 1 line 4 for the *user-id* of the present invention because the security profile provides access, identifies and encrypts the user-id through use of a command language script. Both claims contain a database management system having a data base for access to data; the distinction being that the present invention further states that the database of the database management system includes a first and second data table.

8. With respect to claim 6:

- a. a user terminal having a user-id;
- b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal; and
- c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular first one of said plurality of data tables of said data base by said user terminal if and only if said user-id

Art Unit: 2177

corresponds to said security profile and prohibiting access to a particular second one of said plurality of data tables of said data base by said data base by said user terminal if said user-id does not correspond to said second one of said plurality of data tables independent of any particular data base management function required for said access [see claim 6, application no. 09/189,160].

It would have been obvious to substitute the data base management system of app. 09/189,160 for the plurality of data tables since both are essentially the same; that is the plurality of data tables (present application) are equivalent to the plurality of data bases (application 09/189, 160).

9. With respect to claim 11, transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [see claim 11, 09/189,160].

10. With respect to claim 16:

- a. Means having a user-id for permitting a user to interact with a data table of a digital data base having a plurality of data tables using a service request;
- b. Means responsively coupled to said permitting means for offering data processing services involving access to said data table to said user in response to said service request; and
- c. Means responsively coupled to said offering means from said offering data processing services to said user in response to said service request unless said user-id corresponds

Art Unit: 2177

to a security profile wherein said security profile permits access to said data table ... [see claim 16, application no. 09/189,160 the claim 15; both claims are directed to access to a database based on the user-id corresponding to the security profile].

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-4, 6-14, and 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith US Patent 4,956,769.

Art Unit: 2177

With respect to claim 1, **Smith** teaches in a data processing environment having a user terminal with a user-id for generating a service request which requires performance of a selected one of a plurality of data base management function which requires access to a first data table [col. 1 line 57 through col. 2 line 2] responsively coupled to a data base management system having at least one database with at least one data table wherein said at least one data table includes said first data table, the improvement comprising:

a security profile corresponding to said user-id whereby said data base management system permits said user terminal to access said first data table if and only if said security profile corresponds to access to said first data table without regard to said selected one of said plurality of data base management functions and prohibits access to said second data table if said user-id does not correspond to said second data table [see: col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

Smith teaches the invention substantially as cited above, they teach a data processing environment in which different levels of security may be programmed into the system for access. Although Smith teaches the invention as cited above, they do not explicitly teach that the security profile corresponds to access to said first data table without regard to a selected database management function. Smith does teach access rules inwhich the I/O operations may be defined [note abstract; figure 1 col. 1 line 58 through col. 2 line 17; col. 4 lines 49-66]. It would have been obvious to one of ordinary skill at the time of the invention to have customized the access

Art Unit: 2177

since Smith teaches profile access rules may be defined and that a given user can have a specific access rule [see col. 4 lines 15-24].

13. With respect to claims 2-4:

(Claim 2) wherein said security profile corresponds to said first data table and does not correspond to access of said second data tables [note I/O operations for access to first and second tables may be defined see col. 2 lines 3-17].

(Claim 3) further comprising a second user terminal with a second user-id for generating a second service request for accessing said second data table wherein said second user terminal is prohibited from accessing said first data table [note rules for specific groups may be defined see col. 2 lines 18-25 and col. 3 line 62 through col. 4 line 68].

(Claim 4) further comprising a third user terminal with a third user-id for generating a third service request for accessing said first data table and said second data table wherein said third user-id corresponds to a third security profile for accessing both of said first data table and said second data table [note col. 2 lines 18-25].

14. With respect to claim 6:

- a. a user terminal having a user-id [col. 1 line 58 through col. 2 line 2];
- b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal [col. 2 lines 3-10; abstract]; and

Art Unit: 2177

c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular one of said plurality of data tables of said data base by said user terminal if and only if said user-id corresponds to said security profile ... independent of any particular data base management function required for said access [col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

15. With respect to claims 7-10:

(Claim 7) wherein said user terminal causes said data base management system to communicate with said data table by transferring a service request to said data base management system ... (Claim 8) wherein said data base management system communicates with said data base using particular command language script ... (claim 9) wherein said service request corresponds to said particular command language script ... (claim 10) said security profile corresponds to said particular command language script [figures 1 and 2; also some type of command language script is necessary for I/O interfacing].

16. With respect to claim 11:

transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id;

Art Unit: 2177

and responding to said service request if and only if said user-id corresponds to said security profile [col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

17. The limitations of claims 12-14 have been addressed above in claims 7-10 therefore they are rejected under the same rationale.

18. With respect to claim 16:

- a. means having a user-id for permitting a user to interact with a data table of a digital data base having a plurality of data tables using a service request;
- b. means responsively coupled to said permitting means for offering data processing services involving access to said data table in accordance with a particular one of a plurality of data base management functions to said user in response to said service request;
- c. means responsively coupled to said offering means for preventing said offering means from offering data processing services to said user in response to said service request unless said user-id corresponds to a security profile wherein said security profile permits access to said data table ... without regard to said particular one of said plurality of data base management functions [col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

Art Unit: 2177

***Allowable Subject Matter***

19. Claims 5 and 15 are allowed. The prior art of record fails to teach the combined elements wherein the database management system is CLASSIC MAPPER.

***Response to Arguments***

20. In the remarks Applicant argued the following:

Smith does not grant access to certain data and prevent access to the other data based upon user-id without regard to the functions to be performed upon the requested data; instead the data to be accessed in Smith is defined by the Administrator for all permitted user-ids. The user-id is irrelevant as to which data can be accessed.

**In response** to Applicant's argument, the amended limitation "without regard to the functions" in claim 1 appears to contradict the preamble, note rejection under 112 second supra. Smith does grant access to certain data to prevent access to data based upon the user-id and the particular function to be performed see abstract and col. 2 lines 3-17. Smith teaches that the I/O operations permitted on the database may be defined. The user-id in Smith is important as to which data may be accessed, note Smith teaches defining I/O operations on a particular record or data field identified col. 2 lines 3-10.

21. Applicant's arguments filed June 6, 2002 have been fully considered but they are not persuasive.

Art Unit: 2177

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Jacobs et al.** US Patent 5,694,595

**Fenner** US Patent 5,561,706

**Kumar et al.** US Patent 6,343,287 B1

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703)746-7238, (for formal communications)

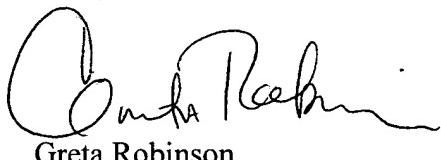
**Or:**

(703)746-5657, (for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Art Unit: 2177

Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703)305-9600.



Greta Robinson

Primary Examiner

August 9, 2002